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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,575

03/17/2006

Keitaro Yonezawa

YONE3022/JJC/PMB

2748

23364 7590 05/19/2008

BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314

EXAMINER

STERLING, AMY JO

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

05/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,575	<b>Applicant(s)</b> YONEZAWA ET AL.	
	<b>Examiner</b> AMY J. STERLING	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/15/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/572,575 POSITIONING DEVICE AND CLAMPING SYSTEM HAVING THE SAME, filed on 3/17/06. Claims 1-6 are pending. This **Final Office Action** is in response to applicant's reply dated 2/19/08. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 4/15/08 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

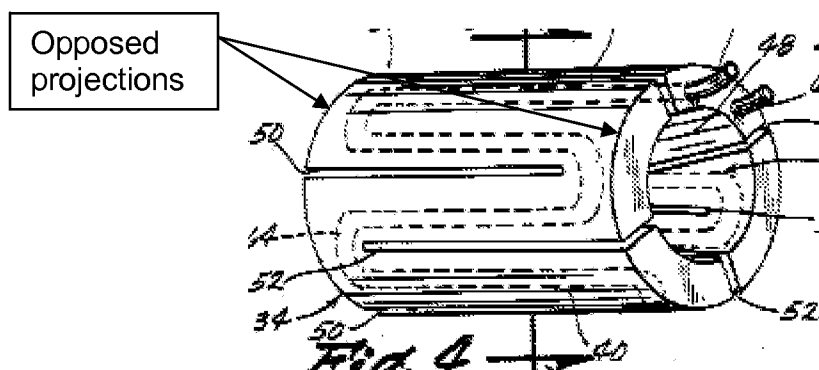
### ***Claim Rejections - 35 USC § 102***

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4387845 to Mefferd.

The patent to Mefferd discloses a positioning apparatus having a plug member (32, 52) projected from a first block (30) toward a leading end so as to be inserted into a positioning hole formed in a second block (70), an inclined outer surface (54) provided on the plug member so as to get closer to an axis toward the leading end; an annular

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sleeve member (34) arranged outside the inclined outer surface and formed in such a way that at least a part in a circumferential direction is allowed to deform in both a diametrically expanding direction and a diametrically contracting direction; a straight outer surface (52) provided on the sleeve member and allowed to come into close contact with an inner peripheral surface of the positioning hole, an inclined inner surface (62) provided on the sleeve member and facing the inclined outer surface, a drive member (56) inserted into the plug member which is axially movably and connected to the sleeve member, at least one of the inclined inner surface and the inclined outer surface is provided on a pair of projections (See Drawing Below) opposed to each other in the diametrically expanding and diametrically contracting direction, escape portions (64, 66) are formed between the projections wherein the sleeve member is allowed to axially reciprocate by a drive arrangement via the drive member and a slit (52) axially extending is formed in a peripheral wall of the sleeve member, and an annual, circumferentially seamless cover member (12) ) is integrally formed with a cap member (18) covering at least a part of the slit is arranged outside the sleeve member (15) and from the plug member (12) to the leading end side.



### ***Response to Arguments***

The applicant has argued that the Mefferd reference does not teach a pair of opposed projections. This is unpersuasive, see marked drawing above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a

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general nature or relating to the status of this application should be directed to the

Technology Center receptionist at 571-272-3600.

/Amy J. Sterling/  
Primary Examiner  
5/18/08